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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 JOHN E. BARNHOUSE,
11 Plaintiff,

12 v.

13 ELDON VAIL, et al.,
14 Defendants.

Case No. C09-5154RJB

ORDER ON REPORT
AND
RECOMMENDATION

15
16 This matter comes before the court on the Report and Recommendation of the magistrate judge
17 (Dkt. 65), and on various motions and objections filed by plaintiff (Dkt. 66, 67, and 68). The court has
18 considered the relevant documents and the remainder of the file herein.

19 On November 4, 2009, U.S. Magistrate Judge J. Richard Creatura issued a Report and
20 Recommendation, recommending that the case be dismissed without prejudice because plaintiff had not
21 provided necessary U.S. Marshal forms and copies of his complaint. Dkt. 65.

22 Plaintiff has named eleven defendants and has provided ten copies of the relevant complaint,
23 which is docketed at No. 48 in the record. Plaintiff has provided U.S. Marshal's forms for all eleven
24 defendants. In his various pleadings, plaintiff states that he is limited in the number of copies he can
25 provide to the court, due to the institution's policies.

26 Plaintiff has attempted to comply with the court's orders. In the event that the court orders service
27 of the complaint, after screening, the clerk will be directed to make one additional copy of the complaint
28 for service. The court should decline to adopt the Report and Recommendation, and refer this case to

1 U.S. Magistrate Judge Karen L. Strombom for further proceedings.


2 Plaintiff's motion for clarification and continuance (Dkt. 66), and plaintiff's motion in objection to
3 the Report and Recommendation (Dkt. 67) should be denied as moot.

4 Therefore, it is hereby

5 **ORDERED** that the court **DECLINES TO ADOPT** the Report and Recommendation (Dkt. 65).
6 Plaintiff's pending motions (Dkt. 66 and 67) are **DENIED** as moot. This case is **REFERRED** to U.S.
7 Magistrate Judge Karen L. Strombom for further proceedings.

8 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any
9 party appearing *pro se* at said party's last known address.

10 DATED this 9th day of December, 2009.

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12 
13 Robert J. Bryan
14 United States District Judge.